

(S E R V E D)
(JULY 31, 1997)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

DOCKET NO. 94-25

INTERNATIONAL SHIPPING AGENCY, INC.

v.

PUERTO RICO PORTS AUTHORITY

PETITION NO. P1-95

PETITION OF PAN AMERICAN GRAIN COMPANY
AND PAN AMERICAN GRAIN MFG. CO., INC.
FOR INVESTIGATION AND ORDER TO SHOW CAUSE

NOTICE AND ORDER

This order provides notice that the Commission has determined not to review the June 17, 1997 partial dismissal of the complaint in Docket No. 94-25, *International Shipping Agency, Inc. v. Puerto Rico Ports Authority*. Accordingly, the partial dismissal has become administratively final. This order also denies the related petition P1-95, *Petition of Pan American Grain Company and Pan American Grain Mfg. Co., Inc. For Investigation and Order to Show Cause*.

The complaint of Intership Shipping Agency, Inc. ("Intership") in Docket No. 94-25 charged violations of the Shipping Act of 1984 by the Puerto Rico Ports Authority ("PRPA")

involving the Army Terminal and other PRPA-owned marine terminal facilities in San Juan, Puerto Rico. Pan American Grain Company and Pan American Grain Mfg. Co., Inc. (collectively "Pan American") intervened in Docket No. 94-25.¹ The proceeding was repeatedly stayed at the joint request of the parties while they discussed settlement.

In P1-95 Pan American charged Intership with attempting to prevent Pan American from conducting terminal activities and other business; alleged that on March 15, 1995, employees of Intership and Allen Freight Trailer Bridge, Inc. ("Trailer Bridge") brandished weapons and blockaded the entrance to prevent access by Pan American's President to the Army Terminal; and requested that the Commission investigate and issue a cease and desist order against Intership. The petition referred to the proceedings in Docket No. 94-25 and recited the recent grant of the jointly-requested stay to permit settlement negotiations to proceed. Intership and Trailer Bridge replied to the Petition, denying the facts as alleged by Pan American. Intership argued that the subject of the Petition was inappropriate for consideration by the Commission as it related to the March 15, 1995 confrontation, and otherwise because it involved issues already before the presiding Administrative Law Judge in Docket No. 94-25.

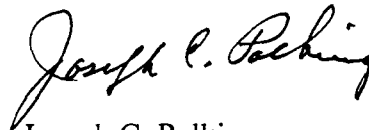
The settlement discussions in Docket No. 94-25 resulted in: the withdrawal of Pan American as an intervenor from Docket No. 94-25; the filing of a new complaint by Pan American naming PRPA and Intership as respondents, Docket No. 97-13; settlement of the issues relating to the occupation of the Army Terminal between Intership and PRPA; and the Order of Partial Dismissal of the complaint in Docket No. 94-25, which has now become administratively final.

¹ Both Intership and Pan American claim leasehold interests in parts of the property.

Based on the foregoing, we find that P1-95, as a whole, duplicated issues raised in Docket No. 94-25; raised issues more appropriately brought by Pan American in a complaint, which it has now filed; and involved issues more appropriately dealt with by local police authorities. All of these issues are now moot, largely by virtue of the outcome of Docket No. 94-25.

THEREFORE, IT IS ORDERED, That Petition P1-95 is denied.

By the Commission.


Joseph C. Polking
Secretary